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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


James M. Salerno )  
Serial No.: 09/715,216 )  
Filed: November 17, 2000 )  
GAMING CLOTH AND DEVICE FOR )  
SECURING GAMING CLOTH TO )  
GAMING TABLE )

Group Art Unit: 3711

Examiner: D. Collins

This correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on September 5, 2002.

Name of applicant, assignee or Registered Representative: Irving Keschner

  
Signature  
Date: September 5, 2002

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APPEAL BRIEF

1. REAL PARTY IN INTEREST

The party identified in the caption of the brief is the real party in interest.

2. RELATED APPEALS AND INTERFERENCES

No such appeal or interferences are known to appellant or appellant's legal representative.

3. STATUS OF CLAIMS

Claims 1 and 4-13 have been rejected. A Notice of Appeal was filed on July 16, 2002.

4. STATUS OF AMENDMENTS

No amendment was filed after the Final Rejection.

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## 5. SUMMARY OF INVENTION

Conventional gaming tables are typically overlaid with a cloth cover having the gaming symbols formed on the top surfaces thereof. For example, a roulette gaming table cloth will have the wheel numbers formed on the cloth surface enabling the players to place bets on the symbol corresponding to the selected wheel number.

The cloth covers currently in use are attached to the table surfaces by stapling the cover edges to the sides of the table, (alternately, drawstrings may be used for securing the cloth to round tables).

Due to the extensive use of the table, the cloth cover tends to wear out over a period of time. The table cloth thus must be replaced which requires workers to first spend time in removing the staples, removing the cloth, fitting the new cloth over the table and then stapling the cloth edges to the table sides. The time and labor involved in removing and then replacing the cloth covers is a significant cost to the casino owners.

The present invention provides apparatus for securing a gaming cloth to a table of various shapes and sizes. A Velcro® loop strip is attached to the underside, or border, formed around the edges of the cloth. A continuous strip having a plurality of hooks formed thereon is mounted along the circumference, or perimeter, of the table. The gaming cloth is securely attached to the table by positioning the cloth over the table and stretching the cloth until the loop containing border engages the hooks on the hook strip formed on the perimeter of the table. In one embodiment, the table hook comprises the Velcro hook component, in another embodiment the hook comprises a plurality of metal hooks.

The present invention thus provides a simple system for removably securing a gaming cloth to a table, providing significant savings in cost as a result.

6. ISSUES

Whether Claims 1 and 4-13 are unpatentable over Sui (5,084,321) in view of Seibert (5,568,666).

7. GROUPING OF CLAIMS

Claims 1 and 4-13 do not stand or fall together. In particular, the Board should decided the appeal on the basis of each claim.

8. ARGUMENT

WHETHER CLAIMS 1 AND 4-13 ARE UNPATENTABLE OVER SUI IN VIEW OF SEIBERT UNDER 35U.S.C. 103(b)

The primary Sui reference discloses a disposable table cloth having Velcro type fasteners secured to the cloth extensions, adjacent corner fasteners having hook and loop type fasteners. When the cloth is positioned over a table, the extensions are turned into the bottom table surface enabling each pair of adjacent extensions to be attached by means of hook and loop fasteners. In essence, the table cloth fasteners to itself. Sui's table cloth requires a different arrangement of extensions depending upon the shape of the table begin covered which, in turn, increases the cost of manufacturing to accommodate the variety of table shapes. In addition, since the Sui table cloth is designed to be disposable, there is less concern for maintaining the integrity of the fastening arrangement. In contradistinction, thereto, applicant's invention provides an attachment system designed to accommodate repeated uses of the gaming cloth and wherein the same fastening arrangement can be used for various shapes of gaming cloth and tables.

The Siebert reference teaches how to make a gaming cloth; examiner notes that Siebert inherently discloses a technique for making stretchable materials. Although applicant discloses that his gaming cloth preferably is stretchable, this feature is not set forth in any of the claims.

Independent claim 1 broadly sets forth one component of device of the present invention i.e. a stretchable gaming fabric, the fabric having a fastening member secured to one surface of the cloth border portion and extending about the circumference thereof.

Claim 4, dependent on claim 1, defines the fastening member as the Velcro fastening system.

Independent claim 5 sets forth the other component of the device of the present invention, i.e. a gaming table having a surface and a portion extending perpendicular from the surface and a fastening member extending around the circumference of the table extending portion.

Claim 6, dependent on claim 5 and claim 7, also dependent on claim 5, specifies the fastening member as comprising Velcro and metal strip having hook members extending therefrom, respectfully.

Independent claim 8 sets forth the device of the present invention combining the fabric, or cloth and table constructions set forth in claims 1 and 4 and 5-7, respectfully.

Claims 9-11, dependent on claim 8, set forth the specific construction of the fastening members used on the fabric and table components of the device of the present invention.

Independent claim 12 sets forth a stretchable gaming cloth comprising a fabric having a border portion having a series of flap portions extending around the cloth border, fastening members being secured to the bottom surface of each flap portion.

Claim 13, dependent on claim 12, sets forth that the fastening members comprise a Velcro fastener.

The gaming cloth, gaming table and combination gaming cloth and gaming table configurations as recited in the claims is not disclosed by the primary Sui reference.

In Robotic Vision Systems Inc. v. View Engineering Inc., 51USPQ2d 1948, 1954 (Fed. Cir. 1999), the Court reiterated the standard regarding obviousness rejections under 35 U.S.C. 103. In particular, the Court noted that the combination of two or more references “must show some motivation or suggestion to combine the teachings”, also citing In re Rouffet, 47USPQ2d 1453 (Fed. Cir. 1998). It is clear that there is no motivation to modify the primary Sui reference in view of the teachings of the secondary Siebert references to make applicant’s claims obvious without the use of hindsight, a concept not permitted in the patent law.

Applicant believes his system of securing a gaming cloth to a gaming table, as set forth in the claims on appeal, provides significant advantages over the techniques currently in use. In particular, the system of the present invention significantly reduces costs by allowing a used gaming cloth to be quickly removed and replaced with a new gaming cloth, reducing the labor costs normally associated with such a task.

9. APPENDIX – CLAIMS INVOLVED IN APPEAL

1. A stretchable gaming cloth comprising a fabric having a predetermined shape and size, the fabric having a border portion, said border portion extending continuously around the circumference of said cloth and a fastening member secured to one surface of said cloth border portion around the circumference thereof.

4. The gaming cloth of claim 1 wherein said fastening member comprises a Velcro fastening system.

5. A gaming table comprising a surface portion, a portion extending substantially perpendicular from said surface portion and around the circumference thereof, and a fastening member secured around the circumference of said table extending portion. <sup>Not To Table</sup>

6. The gaming table of claim 5 wherein said fastening member comprises Velcro.

7. The gaming table of claim 5 wherein said fastening member comprises a metal strip having hook members extending therefrom.

8. A gaming table system comprising:

a gaming table cloth comprising a fabric of a predetermined size and shape, the fabric having a border portion and a first fastening member secured to one surface of said cloth border portion; and

a gaming table comprising a surface portion, a portion extending substantially perpendicular from said table surface and around the circumference thereof, and a second fastening member secured around the circumference of said perpendicularly extending table portion, said gaming table cloth being positioned on the surface of said table whereby said first fastening member is releasably secured to said second fastening member.

9. The system of claim 8 wherein said first fastening member comprises a first component of a Velcro hook and loop fastener system.

10. The system of claim 9 wherein said second fastening member comprises the second component of said Velcro hook and loop fastener system.

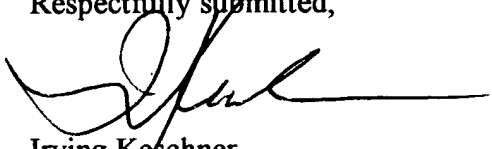
11. The system of claim 9 wherein said second fastening member comprises a metal strip having hook members protruding therefrom and said first fastening member comprises said loop component of said Velcro hook and loop fastener system.

*Velcro To Metal hook*

12. A stretchable gaming table cloth comprising a fabric having a predetermined shape and size, the fabric having a border portion which comprises a series of flap portions extending around the circumference of said cloth, and fastening members secured to the bottom surface of each flap portion.

13. The gaming table cloth 12 wherein said fastening members comprise a Velcro fastener.

Respectfully submitted,



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